

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Joint Resolution 14 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A JOINT RESOLUTION claiming sovereignty under the Tenth
- 3 Amendment to the Constitution of the United States over certain
- 4 powers, serving notice to the federal government to cease and desist
- 5 certain mandates, and providing that certain federal legislation be
- 6 prohibited or repealed.
- 7 Before the resolving clause begin a new paragraph and insert:
- 8 *"Whereas, The Tenth Amendment to the Constitution of the United*
- 9 *States proclaims that "The powers not delegated to the United States*
- 10 *by the Constitution, nor prohibited by it to the States, are reserved to*
- 11 *the States respectively, or to the people";*
- 12 *Whereas, The Tenth Amendment defines the total scope of federal*
- 13 *power as being that specifically granted by the Constitution of the*
- 14 *United States and no more;*
- 15 *Whereas, The scope of power defined by the Tenth Amendment*
- 16 *means that the federal government was created by the states for the*
- 17 *specific purpose of being an agent of the states;*
- 18 *Whereas, Today, in 2011, the states are demonstrably treated as*
- 19 *agents of the federal government;*
- 20 *Whereas, Many federal laws are in direct violation of the Tenth*
- 21 *Amendment to the Constitution of the United States;*
- 22 *Whereas, The Tenth Amendment assures that we, the people of the*
- 23 *United States of America and each sovereign state in the Union of*
- 24 *States, now have, and have always had, rights the federal government*
- 25 *may not usurp;*
- 26 *Whereas, Article IV, Section 4 of the Constitution of the United*
- 27 *States states that "The United States shall guarantee to every State in*
- 28 *this Union a Republican Form of Government", and the Ninth*
- 29 *Amendment to the Constitution of the United States states that "The*
- 30 *enumeration in the Constitution, of certain rights, shall not be*

1 *construed to deny or disparage others retained by the people";*

2 *Whereas, The United States Supreme Court has ruled in New York*  
 3 *v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply*  
 4 *commandeer the legislative and regulatory processes of the states; and*

5 *Whereas, A number of proposals from previous administrations and*  
 6 *some now pending from the present administration and from Congress*  
 7 *may further violate the Constitution of the United States: Therefore,".*

8 Page 1, delete lines 1 through 12, begin a new paragraph and insert:

9 "SECTION 1. That the State of Indiana hereby claims sovereignty  
 10 under the Tenth Amendment to the Constitution of the United States  
 11 over all powers not otherwise enumerated and granted to the federal  
 12 government by the Constitution of the United States.

13 SECTION 2. That this resolution serve as Notice and Demand to the  
 14 federal government, as our agent, to cease and desist, effective  
 15 immediately, mandates that are beyond the scope of these  
 16 constitutionally delegated powers.

17 SECTION 3. That all compulsory federal legislation that directs  
 18 states to comply under threat of civil or criminal penalties or sanctions  
 19 or requires states to pass legislation or lose federal funding be  
 20 prohibited or repealed.

21 SECTION 4. That copies of this resolution be transmitted by the  
 22 Secretary of the Senate to the President of the United States, the  
 23 President of the United States Senate, the Speaker of the United States  
 24 House of Representatives, the Speaker of the House and the President  
 25 of the Senate of each state's legislature, and each member of the  
 26 Indiana Congressional delegation."

27 Delete pages 2 through 3.

(Reference is to SJR 14 as printed February 18, 2011.)

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Senator SCHNEIDER